

### TOWN OF LAKE PARK PLANNING & ZONING BOARD MEETING

AGENDA MAY 6, 2013 7:30 P.M.

535 PARK AVENUE LAKE PARK, FLORIDA

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's Office by calling 881-3311 at least 48 hours in advance to request accommodations.

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### **ROLL CALL**

Chair Judith Thomas	
Vice-Chair Natalie Schneider	
James Lloyd	
Michele Dubois, Alternate	
Thomas J. Baird, Board Attorney	
Nadia DiTommaso, Community Development Director	
Debbie Abraham, Planner	
Kimberly Rowley, Board Secretary	

#### APPROVAL OF AGENDA

#### APPROVAL OF MINUTES

Planning & Zoning Board Meeting of April 1, 2013

#### ORDER OF BUSINESS

The normal order of business for Hearings on agenda items is as follows:

Staff presentation

- Applicant presentation
- Board Member questions of Staff and Applicant
- Public comments 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

#### **PUBLIC COMMENTS**

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and give it to the Recording Secretary. Cards must be submitted before the item is discussed.

#### **NEW BUSINESS**

- A. A Text Amendment application filed by Barkley's Canine Club proposing to create a Special Exception use section in the C-1 Business District, and re-distributing certain uses from the Permitted Use category to the newly proposed Special Exception Use category, and providing for all Use definitions.
- B. A Special Exception application filed by Barkley's Canine Club to allow the *Animal Boarding Kennel* use component of an "Animal Service Establishment" within the C-1 Business District, for a property located at 524 Northlake Boulevard, Lake Park, Florida.

#### COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

#### **ADJOURNMENT**



# TOWN OF LAKE PARK PLANNING & ZONING BOARD MEETING MINUTES APRIL 1, 2013

#### **CALL TO ORDER**

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:33 p.m.

#### PLEDGE OF ALLEGIANCE

#### **ROLL CALL**

Chair Judith Thomas Present
Vice-Chair Natalie Schneider Present
Anthony Bontrager Excused
James Lloyd Present
Michele Dubois, 1st Alternate Excused

Also present were Thomas J. Baird, Town Attorney; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary. The Recording Secretary announced that due to the absence of the Community Development Director, the Town Planner, Debbie Abraham, will be in charge of the meeting.

#### APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made a motion for approval of the Agenda, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The Motion carried 3-0 and the Agenda was unanimously approved as submitted.

#### APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the Minutes of the February 4, 2013, Planning & Zoning Board Meeting as submitted. Board Member Lloyd made a motion to approve the Minutes. The motion was seconded by Vice-Chair Schneider and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The Motion carried 3-0 and the Minutes of the February 4, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.

#### ORDER OF BUSINESS

Chair Thomas outlined the procedure for the Order of Business and Public Comments.

#### **NEW BUSINESS**

A. TEXT AMENDMENTS TO CODE SECTION 78-71 TO INCLUDE "ANIMAL SERVICE ESTABLISHMENTS" AS A PERMITTED USE IN THE C-1 BUSINESS DISTRICT, AND TO CODE SECTION 78-2 TO INCLUDE A DEFINITION FOR ANIMAL SERVICE ESTABLISHMENTS.

APPLICANT: BARKLEY'S CANINE CLUB

#### **STAFF PRESENTATION:**

Town Planner Debbie Abraham addressed the Planning & Zoning Board and stated that Staff received an *Application for Text Amendment* from Barkley's Canine Club, which is located at 524 Northlake Boulevard, to allow for "animal boarding" in the C-1 Business District. Ms. Abraham stated that in response to Barkley's Canine Club application, Staff conducted research and created most of the language being proposed in order to ensure that the request is properly defined for the Town Code. Ms. Abraham explained that Barkley's Canine Club is an existing animal grooming and training facility located within the C-1 Business District and provided a visual of the C-1 Business District, which is mostly along Northlake Boulevard and Federal Highway.

Ms. Abraham explained that in 2012 the Applicant was granted zoning approval as an "Instructional Studio" and "Beauty Shop" and that both of these uses are currently permitted in the C-1 Zoning District. Currently, Barkley's Canine Club is interested in expanding their operations by providing animal boarding as an additional service to its patrons. While Barkley's believes that this use will greatly benefit their business, "animal boarding" is not listed as a permitted use in the C-1 Business District, and as a result, they are requesting a Text Amendment which will allow for the use of "animal boarding" in the C-1 District. Ms. Abraham further explained that as Staff researched the impacts and requirements of the "animal boarding" use, it was discovered that uses pertaining to animal services were not specifically outlined in the Town Code. While the Park Avenue Downtown District (PADD) recognizes and permits "Animal Grooming Services" and "Pet Shops", other Districts are silent on uses specific to animal services, and as a result, these services have

been permitted under the umbrella of similar uses such as "instructional studio" or "beauty shop", depending on the nature of the establishment. Other nearby municipalities, such as Palm Beach Gardens and West Palm Beach, permit animal service establishments wherever "personal service" establishments are permitted in their Code.

Ms. Abraham went on to explain that the Northlake Boulevard Overlay District (NBOZ) defines "personal services" as "establishments engaged in the provision of frequent or recurrent needs of a personal nature", and given this definition, uses such kennels, pet grooming, pet day care, and pet training facilities are similar in nature to "personal service establishments". As a result, these types of animal services can be compatible with the C-1 Business District, which also permits personal service establishments. Therefore, Staff is recommending that animal grooming parlors, training centers, day cares, and kennels for overnight boarding be combined into one single use which will be "animal service establishments." Ms. Abraham stated that the proposed definition for "Animal Service Establishments" includes all of the following, unless otherwise listed:

- Animal day care establishment
- Animal training center
- Grooming parlor
- Kennel for overnight boarding

Ms. Abraham pointed out that it is important to note that the definition for kennel also provides for a provision on noise, in order to ensure that the Town has a fallback position should noise nuisances occur. Research shows that the Town of Jupiter treats noise nuisances in the same fashion, wherein noise insulation barriers are required should noise complaints arise. Ms. Abraham informed the Board that Palm Beach County Animal Care & Control periodically inspects animal service establishments and requires separate licenses for each use.

#### **STAFF RECOMMENDATION:**

Ms. Abraham stated that Staff is recommending that the Planning & Zoning Board recommend the approval of a Zoning Code Text Amendment to the Town Commission to add the definition of "Animal Service Establishments" to Section 78-2 of the Town's Code, and Staff also recommends that the Planning & Zoning Board recommend that the Town Commission add "Animal Service Establishments" as a Permitted Use to the C-1 Zoning District.

#### APPLICANT PRESENTATION

Cindy Hackle, co-proprietor of Barkley's Canine Club, approached the Board and presented a poster board with photographs of their facility. Ms. Hackle explained that their facility fosters for local rescues in the area, thereby taking the dogs out of cages. Ms. Hackle stated that because their business is unique, Barkley's has loyal customers from Port St. Lucie to

Boca Raton, and that is was her customers who actually donated the money to pay the fees that were needed to apply for the *Request for Text Amendment*.

Chair Thomas asked if there were any public comments.

#### PUBLIC COMMENTS

Michelle Mullins, a Palm Beach Gardens resident and the owner of a service dog, approached the Board in favor of Barkley's Canine Club, who provided care for her dog free-of-charge in an emergency situation. Ms. Mullins stated that Barkley's is a very reputable, warm, clean and sanitary facility.

**Peter Sauer**, a Lake Park resident and the owner of two Jack Russells, addressed the Board. Mr. Sauer stated that he adopted his dogs, which had been abused. Mr. Sauer stated that Barkley's is an extremely unique establishment and is a great addition to our community.

Linda Harris, a North Palm Beach resident, is the owner of two Goldendoodles, which she takes to Barkley's for the do-it-yourself dog wash. Ms. Harris stated that she takes her dogs to day care at Barclays and their staff is great and friendly, the facilities are clean and that she hopes everything works out in favor of Barkley's.

#### **BOARD COMMENTS:**

Vice-Chair Schneider stated that she has questions and comments, and expressed concern that this application sounds like a special exception hearing, as opposed to a change in permitted use. Her concerns are not with this particular business, but that this would open up the entire District to allow these establishments, including stand-alone kennels, without saying it is an accessory use to another use. It basically is saying you can have a stand-alone kennel without exception in this particular zoning district. Vice-Chair Schneider further stated that her preference would have been that this would have come forward as a special exception application, to allow it as a special exception, therefore when you see these types of uses coming in they would be ancillary to another use, and not a stand-alone, and then you can find out more about the particular business — but not to out-and-out allow this use, especially since the facility directly abuts single-family and multi-family residential districts. Vice-Chair Schneider stated that she would like to see the surrounding zoning uses shown on Staff Reports. If another use comes in then you can look at it and see if it is appropriate for the particular area that it is in, not just an outright use, as it will need to be scrutinized.

Cindy Hackle agreed with Vice-Chair Schneider's concerns, and stated that she is also concerned that anyone would be able to come in and open a boarding facility. She stated that Barkley's already has animal daycare, grooming and training and that they are now only applying for the overnight boarding — and is there any way to go back and change the application? Vice-Chair Schneider said that would be up to the Town Attorney. Ms. Hackle said that if the application is approved in this manner, that anyone might come in and be able to put the animals in cages as a kennel.

Chair Thomas stated that she is in agreement with the concerns, and the kennel portion particularly disturbs her, and that the language regarding "noises which exceed permitted decibel levels as prescribed by the Town shall be mitigated by requiring extra insulation", is very broad, without any restrictions or descriptions. Ms. Hackle said that their dogs do not bark because they are not in cages, and in fact, they can hear the neighbor's dogs barking at Barkley's Canine Club. Chair Thomas asked Ms. Hackle if she was able to discuss her concerns with Staff prior to the P&Z Meeting. Ms. Hackle indicated that she had been dealing with the previous Planner, Florentina, and had experienced problems communicating her concerns to her. Chair Thomas stated that there are no guidelines, but that she loves the idea of the business. Vice-Chair Schneider stated that what she has to judge the application on is unfortunately not Barkley's Canine Club, but what may potentially come in, and under a special exception the business would sound wonderful.

Town Attorney Baird stated that in Code Section 78-71, all the uses permitted are uses by right, with no special exception uses, somewhat unlike some of the other districts which are broken down into uses by right and special exception. He would recommend that the Board identify the uses in Section 1 which they believe should be special exception uses, so that as this advances to the Town Commission, those uses can be segregated out and a separate special exception use category created. The Town Attorney also suggested gasoline and motor fuel stations, mortuaries, motels, animal services, possibly restaurants, hospitals and substance abuse treatment facilities as special exception uses. If the Board recommends to the Town Commission that all of those uses be special exception criteria, the Text Amendment to this Code would be not only to add animal service establishments as a special exception use, but to make all of the uses as a special exception, which Staff can bring in Ordinance form to the Town Commission and this application would be on track to go at the same time. The Town Attorney stated that there is a section of the Town Code which sets up Special Exception criteria which the Applicant would have to meet in order to receive the special exception, and which specifically authorizes Staff to recommend to the Town Commission conditions which may mitigate some of the impacts that some special exception uses typically have. Vice-Chair Schneider questioned how they might phrase the motion, and the Town Attorney suggested that the Board recommend to the Commission that this use be added to the District, but as a special exception use, and that in the course of looking at the uses within this District, the Board discovered there are other uses that we feel should also have to meet the special exception criteria, in the event they come before the Town Commission at a later date. Vice-Chair Schneider questioned if the Applicant would need to reapply and go through the special exception use process. The Town Attorney said the Applicant would have to demonstrate that they meet the special exception use criteria. and that he doesn't know if the Board is prepared to evaluate the criteria this evening and determine if the Applicant meets the criteria, but that he is also mindful of not slowing down the process.

Chair Thomas summarized the discussion for those present and said that while the Board approves of Barkley's Canine Club, they do not want to include animal service facilities outright in the C-1 Business District. Chair Thomas explained that currently there is no criterion set up that is being looked at specific to this business, and she feels that the best avenue is to have special criteria attached to the application so that it may be evaluated on a

case-by-case basis to determine if they meet the special exception criteria. Barkley's Canine Club Application would have to come back through again and be evaluated in order to determine if they meet the special exception criteria for animal service facilities.

Cindy Hackle stated to the Board that they are currently allowed to be open and operating with 23 dogs and stated that she wants to put a sign up and put more money into her business. Chair Thomas suggested that she hold off until her application is approved. Ms. Hackle asked how long the process might take. Attorney Baird stated it has to go back to the P&Z and then the Commission with the special exception uses and the actual application to have a special exception use for animal service establishments and perhaps the item can be continued to the next P&Z Meeting and then on to the Town Commission. Chair Thomas questioned if the application can be pulled, rather than rewriting and representing it. The Town Attorney suggested for advertising purposes that the application be 'continued'.

Ms. Abraham said that there is a special exception application form which would be required. Ms. Abraham said that Barkley's Canine Club has already been operating. Vice-Chair Schneider said that it doesn't seem like there was any thought behind this and it puts the P&Z Board in a bad position when it should have been done at the Department level before coming to the Board.

Chair Thomas stated that it is in the best interest to postpone and revamp and bring back to the Board. Attorney Baird stated that he recommends continuing the item so that Staff doesn't have to go through the advertising requirements.

Board Member Lloyd stated that he understands the concern but that he can't see numerous kennels wanting to open up and does not mind the manner in which the application was brought forward. Chair Thomas stated that there is another grooming facility less than 500' away from Barkley's on the north side.

#### **PLANNING & ZONING BOARD RECOMMENDATION:**

There being no further discussion, Chair Thomas requested a motion. Vice-Chair Schneider made a motion to continue the Request for a Text Amendment to Sections 78-71 and 78-72 to the next regularly scheduled Planning & Zoning Board Meeting. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The Motion was unanimously approved and the *Request for Text Amendment* to Sections 78-71 and 78-72 was continued to the next regularly scheduled Planning & Zoning Board Meeting.

### COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR (Debbie Abraham, Town Planner, filling in)

Ms. Abraham informed the Board that the Community Development Director is still working to up-date the spreadsheet of the status of the items which have come before the P&Z Board, and that it will be provided to the Board Members at the next meeting.

#### **ADJOURNMENT**

Chair Thomas announced that they have lost a Board Member and congratulated Kimberly Glas-Castro upon her recent appointment to the Town Commission, as well as her appointment as the Vice-Mayor.

There being no further business before the Board, the Meeting was adjourned at 8:17 p.m. by Chair Judith Thomas.

Respectfully Submitted,

Kimberly Rowley
Planning & Zoning Board Recording Secretary

#### PLANNING & ZONING BOARD APPROVAL:

Judith Thomas, Chair Town of Lake Park Planning & Zoning Board	l
DATE:	

Meeting Date:

May 6, 2013



#### To: PLANNING & ZONING BOARD

Text Amendment to Section 78-71 creating an "Animal Service Establishment" use as a permitted use with the exception of Kennels, and creating a "Special Exception" subsection to the C-1 Business District to include some existing C-1 permitted uses and a new "Animal Service Establishment-Kennel and Pet Dealer portion only" use as a special exception use; and to Section 78-2 to include definitions for the various uses being amended in the C-1 business district.

Applicant:

Barkley's Canine Club

Staff Recommendation: APPROVAL

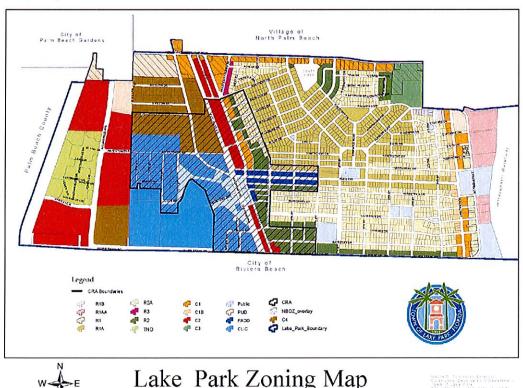
(Continuation from April 1, 2013 Planning & Zoning Board meeting)

#### SUMMARY

This Staff Report addresses a request for a Text Amendment to the Town of Lake Park Code of Ordinances filed by Barkley's Canine Club ("Applicant"). The Applicant proposes to include "Animal Boarding" as a special exception use in the C-1 Business District. Currently, the C-1 Business District does not include special exceptions uses, and this application is proposing the creation of a Special Exception use section. In doing so, and in accepting the Planning & Zoning Board's recommendations from the April 1, 2013 meeting, Staff is also proposing the re-distribution of some currently permitted uses into the proposed Special Exception use category and is proposing that the respective Use definitions be added to Section 78-2 of the Town of Lake Park Code of Ordinances.

The C-1 Business District is intended to permit low intensity commercial uses, such as offices, personal services, and retail, along the south side of Northlake Boulevard from Old Dixie Highway to US-1, and along the east side of 10th Street as illustrated in Figure 1 below.

Figure 1: Zoning Map; C-1 District in Orange





Lake Park Zoning Map



#### **HISTORY**

In early 2012, the Applicant received approval from the Town's Community Development Department for an animal "instructional studio" and an animal "beauty shop" at 524 Northlake Boulevard. Both the "instructional studio" use and the "beauty shop" use are currently permitted uses in the C-1 Zoning District. Following this initial application, the Applicant met with a Town planner to discuss a request to use the facility as a use including "day care" and boarding for animals. The Applicant was informed that the C-1 District does not permit "day care" and the boarding of animals as a permitted use. In the latter part of 2012, Town staff determined that the Applicant was boarding animals at its facility. The Applicant was cited by the Town's Code Enforcement Division for operating a use not permitted in the C-1 Business District. As a result, the Applicant sought a text amendment to incorporate the day care and boarding uses as permitted uses in the C-1 Zoning District. The Applicant submitted an application to the Town.

#### **APPLICATION**

In researching the Town's Code of Ordinances, Staff determined that the Town Code is deficient on uses that are specific to animal related establishments. Consequently, Staff decided to create an "Animal Service Establishment" use that would incorporate some common animal related uses, while including the Applicant's request for an animal boarding facility which would be subject to certain conditions. While the amendments propose to classify the Applicant's business as an "Animal Service Establishment", the "Animal Boarding-Kennel" subsection, as proposed, would require a special exception application due to the potential impacts of including this use in a predominantly low-intensity commercial district that abuts residentially zoned parcels. All Animal-related Establishment uses are regulated by the Palm Beach County (PBC) Animal Care & Control under very strict regulations relative to the business owner's operation and are routinely inspected by PBC (see Exhibit "A" for the Table of Contents for PBC Animal Care and Control which lists the regulating criteria).

In addition to proposing the Animal Service Establishment use in the C-1 Business District both as a permitted use for certain components due to their low-intensity commercial nature and minimal impacts, and as a special use for those components with potentially higher impacts, Staff recommends that the following uses be re-listed as special exception uses in the C-1 Business District due to their potential heightened impacts to noise, traffic, odors and design complexities:

- Gasoline and other motor-fuel stations, to be re-listed as "Automotive Service Station"
- Mortuaries
- Motels, to be re-listed as "Motel/Hotel"
- Hospitals, sanitariums and medical clinics
- Substance abuse treatment facilities

Pursuant to the Town Code, an applicant for a Special Exception Use must meet the criteria listed in **Sec. 78-184** of the Code. The Town Commission may also include conditions of approval pertaining to special exception uses such as:

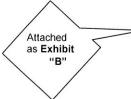
- 1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
- 2. Establish a special setback, open space requirement, and/or lot area or dimension.
- Limit the height, size, and/or location of a building or other structure.
- 4. Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
- 5. Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
- 6. Limit or otherwise designate the number, size, location, height and/or lighting of signs.
- Require the use of, and designate the size, height, location and/or materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
- Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
- 9. Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
- 10. Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

Staff recommends the following Text Amendments to Sections 78-2 and 78-71 of the Town of Lake Park Code of Ordinances:

#### Sec. 78-2 Definitions:

Animal Service Establishment means an establishment which may include any of the following uses as specified in the individual zoning district:

- (1) Animal day care establishment. An indoor facility operated between the hours of 7am-10pm, for the purpose of providing care and protection of domesticated animals, no overnight boarding;
- (2) Animal training center. A facility operated between the hours of 7am-10pm for the teaching and training of domesticated animals, no overnight boarding;
- (3) Grooming parlor. An indoor facility operated between the hours of 7am-10pm which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related services (not to include breeding, veterinary, dentistry or overnight boarding);
- (4) Pet Shop. An indoor facility operated between the hours of 7am-10pm for the purpose of selling animal accessories;
- (5) Pet Dealer a. An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;
- (6) Animal Boarding Kennel <sup>a</sup>. An indoor facility, where domesticated animals are kept overnight.



<sup>a</sup> Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which is certified by a licensed noise professional and submitted to the Town's Building department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.

<u>Automotive Service Station:</u> An establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, and the inclusion of a convenient store selling goods at retail.

Funeral Home: An establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

Hospital, sanitarium or medical center: A facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.

Motel/Hotel: A commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rents to tenants. The establishment may be constructed in a bulding or a group of buildings and may include one or more accessory uses such as dining rooms/restaurant or convience/retail stores.

Substance Abuse Treatment Facility: A facility licensed by the State of Florida as a "substance abuse treatment facility" to provide care for persons diagnosed as having "substance abuse" as determined by F.S. Ch. 984(51).

Vehicle Sales and Rentals: An establishment engaged in the sale or rental from the premises of motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home. The sale or rental of industrial or agricultural vehicles is prohibited.

#### Sec. 78-71. C-1 Business District.

Within the C-1 Business District, the following regulations shall apply:

- (1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
- a. Animal Service Establishments ("animal day care establishment", "animal training center", "grooming parlor" and "animal dealers and shops" only; no overnight boarding)
- a. b. Appliance stores, including radio and television services.
- b. c.Bakeries the products of which are sold at retail but not produced on the premises.
- c.d. Banks.
- d.e. Barbershops, beauty shops, chiropodists, masseurs.
- e.f. Fertilizer, stored and sold at retail only.
- f. Gasoline and other motor-fuel stations.
- g. Laundry pickup stations.
- h. Mortuaries.
- i. Motels.
- j. Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:
  - 1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
  - 2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
  - 3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.
- k. h. Offices, business and professional.
- L Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
- m. j. Restaurants.

- n. k. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- I. Indoor Theatres.
- **p.** m. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.
- q. Hospitals, sanitariums and medical clinics.
- r. Motels without shop fronts or stores facing the street.
- s. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.
- t. n. Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the town's community development director.
- u. o. Transient residential use

(2)

<u>Special exception uses permitted.</u> Within the C-1 Business District, no building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged for the following uses unless a special exception has been approved by the Town Commission, pursuant to section 78-184 and the standards set forth herein:

- a. Animal Service Establishment (Animal Boarding Kennel and Pet Dealer Only)
- b. Automotive Service Station
- c. Funeral home
- d. Hospital, Sanitarium or Medical Clinic
- e. Motel/Hotel
- <u>Substance abuse treatment facilities</u>, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.
- g. Vehicle Sales and Rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:
  - 1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
  - 2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
  - 3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

The town commission may permit special exception uses in the C-2 zoning district provided the town commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals, objectives and policies of the town's comprehensive plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and the goals, objectives and policies of the town's comprehensive plan. The town commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the town's land development regulations.

<u>Recommended Motion</u>: Staff recommends that the Planning & Zoning Board make a recommendation of approval to the Town Commission for the Text Amendment modifications being proposed to Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances.

### Exhibit A: Palm Beach County Animal Care & Control Ordinance 98-22 Table of Contents

## Palm Beach County Animal Care and Control Ordinance 98-22

#### **Animals Chapter 4\***

\*Editor's note: Ord. No. 98-22, §§ 1--31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1--4-21, 4-31--4-35, 4-51--4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1--4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

State law references: Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

Sec. 4-1. Short title.

Sec. 4-2. Definitions.

Sec. 4-3. Females in heat.

Sec. 4-4. Dog and cat control.

Sec. 4-5. Animals creating nuisances.

Sec. 4-6. Scientific experimentation/animals as prizes.

Sec. 4-7. Injured animals, action required.

Sec. 4-8. Keeping/adopting stray animals and maintaining feral cats.

Sec. 4-9. Animal waste.

Sec. 4-10. Rabies vaccinations.

Sec. 4-11. Dog and cat rabies/license tags.

Sec. 4-12. Redemption and adoption.

Sec. 4-13. Adoption fees and sterilization requirements for dogs and cats.

Sec. 4-14. Records.

Sec. 4-15. Humane education.

Sec. 4-16. Animal bites and quarantining.

Sec. 4-17. Placement and impoundment of honeybee hives.

Sec. 4-18. Guard dogs.

Sec. 4-19. Evictions, jail terms, community service adjudications, and other involuntary

occurrences; effect on animals.

Sec. 4-20. Disposal of bodies of dead animals.

Sec. 4-21. Livestock.

Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

Sec. 4-23. Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

Sec. 4-24. Animal care; manner of keeping.

Sec. 4-25. Dogs and cats offered for sale; health requirements.

Sec. 4-26. Animal agencies.

Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.

Sec. 4-28. Sterilization program for dogs and cats.

Sec. 4-29. Hobby breeder permits.
Sec. 4-30. Animal care and control special master hearings.
Sec. 4-31. Interference with enforcement.
Sec. 4-32. Violations, civil infractions, civil penalties.
Sec. 4-33. First offenders course.

#### Sec. 10-155. - Maximum permissible sound levels by receiving land use.



No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

TABLE 1
Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m7:00 p.m.	5 <u>5</u>
	7:00 p.m6:00 a.m.	50
Residential	7:00 a.m10:00 p.m.	<u>55</u>
	10:00 p.m.—7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m.—10:00 p.m.	<u>55</u>
	10:00 p.m.—7:00 a.m.	50
Commercial	At all times	<u>60</u>
Commercial/Light Industrial	At all times	<u>65</u>
Public Buildings/Grounds and Other Public Facilities	7:00 a.m.—10:00 p.m.	<u>60</u>
Recreation and Open Space	10:00 p.m.—7:00 a.m.	<u>55</u>

(Code 1978 § 15-5 Ord No 18-1990 § 1 10-3-1990 Ord No 07-2012 § 2 5-2-2012)



Company,

DEC 26 2012

D DA DEW PORTOR DAVE

#### APPLICATION FOR TEXT AMENDMENT TOWN OF LAKE PARK

Department of Planning and Zoning 535 Park Avenue, Lake Park, Fl. 33403 Phone: (561) 881-3318 Fax (561) 881-3323

Check all that apply:	▼ Town Code/Zoning Code □ Comprehensive Plan	
	General Information	•
General description of	frequest (include name of project or development: 2 ming Shower to allow dog Board th 24 how Staff Applicant Information	<del></del>
to the	went to allow dog Board	wî
accing wi	Applicant Information	
	nowner(s): Cinpy Hackle and Carisa lake Blud City: NPB state: H Zip: 3 - 6999 Fax:561-904.699 E-mail: Cindy hackle	
534 North	lake Blvd	. <u></u> \
Address: B + BT	City: NYO State: Zip: 3	<u> 340</u>
hone: 561.904.	- 6979 Fax:561- 904-697 E-mail: Cindy hackle	<u>ya</u> l
□ Cneck nere if appreant	is contract purchaser. Written consent is required from the property owner if a co	ntract
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Slumber Party Boarding - Do Cageo  Dogs Sleep on Bods + Jutens all  mether - we are all on the sound accepted  Comportation - Do one place in PB Country  has a fact the line ours we have  people of come of come and as Boca Pater  the also have a Staff member on the gramuse  ay his. on Customers have raised the mone  You wanto applicable, this section should include a discussion of how the  proposed amendment is consistent with the Comprehensive Plan. Attach additional sheets if necessary:
Required Signatures  My signature on this document affirms that I understand and have complied with the provisions and regulations of the Code of the Town of Lake Park, Florida. I further certify that all the information contained in this application and all documentation submitted herewith is true to the best of my knowledge and belief. Further, I understand that the application, attachments and review fees become part of the official records of the Town of Lake Park and are
not returnable.  C. 104 Hack/C 12-4-3012  Signature(s) of applicants(s)  Print Name(s)  Date
Signature of Agent Print Name(s) Date
Ongrully Tra Nygen 10.9-2017
Signature(s) of property owner(s) required Print Name(s)  (if statement of authority is not attached)

En 18 6 - 2 4 - 2 6 - 2 6 - 2 6 - 2 6 - 2 6 - 2 6 - 2 6 - 2 6 6 6 7

### The Town of Lake Park Community Development Department



### PLEASE DO NOT DETACH FROM APPLICATION.

#### SIGNATURE REQUIRED BELOW.

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

, have read and understand the regulations above

Signature of Property Owner

12.36.2012 Date



TOWN LAKE OF PARK
PLANNING AND ZONING BOARD
Meeting Date: May 6, 2013

### REQUEST FILED BY BARKLEY'S CANINE CLUB FOR THE SPECIAL EXCEPTION USE OF A BOARDING FACILITY COMPONENT OF AN ANIMAL SERVICE ESTABLISHMENT IN THE C-1 BUSINESS DISTRICT

APPLICANT'S REQUEST: Barkley's Canine Club ("Applicant") located at 524 Northlake Boulevard ("Property") is requesting the approval of a Special Exception use to operate as a "kennel" in the C-1 District. Allowance of this Special Exception will permit the Applicant to provide overnight animal boarding services to its patrons as defined under the "Animal Boarding-Kennel" component of the "Animal Service Establishment" definition in Section 78-2 of the Town Code and permitted as a special exception use in the C-1 Business District.

NOTE: A text amendment application is being presented under separate cover and is proposing to incorporate Animal Service Establishments as a recognized Use in the Town of Lake Park Code of Ordinances. This application is contingent on the approval of the text amendment application.

**BACKGROUND:** 

Applicant(s):

Barkley's Canine Club

Owner(s):

Cindy Hackle and Carisa Deitz

Address/Location:

524 Northlake Blvd

Existing Zoning:

C-1 Business District / NBOZ Overlay

Future Land Use:

Commercial

Adjacent Zoning

North:

N/A (North Palm Beach)

South:

R-1 Residential District

East:

C-1 Business District / NBOZ Overlay

West:

C-1 Business District / NBOZ Overlay

#### Adjacent Existing Land Use

North:

Commercial (Village of North Palm Beach)

South:

Residential

East:

Commercial

West:

Commercial

#### I. SUMMARY OF REQUEST

The Applicant is requesting approval of the special exception use of the Boarding Facility component of an Animal Service Establishment in the C-1 Business District. The proposed use will be in addition to the Applicant's existing animal "beauty shop" and animal "instructional studio" located at 524 Northlake Boulevard.

The Applicant is an existing 3000 square foot pet "beauty shop" and pet "instructional studio", as permitted in the C-1 District. The Applicant has been operating in Town since 2012 and is interested in expanding its operations by providing overnight animal boarding services to its

patrons. Since the use of "animal boarding-kennel" is only permitted by special exception, the Applicant initiated a Special Exception Application, which then prompted Staff to conduct research on possible impacts and compatibility.

Initially, Staff expressed concerns regarding nuisances and regulatory control primarily because the Property abuts the R-1 Residential District. Staff learned that Palm Beach County Animal Care and Control (PBCACC) regulates all animal service establishments and oversees all aspects of their operations by requiring licensure for each service provided. Palm Beach County's Animal Care and Control's Ordinance 98-22 Section 4-23 enforces standards specifically for kennels and grooming facilities regarding frequent inspections, licensing and permitting requirements, health hazards, sanitation, records keeping, facility requirements, and operational standards (see **Exhibit "A"** for detailed descriptions from PBCACC's regulating Ordinance). This being said, the Applicant is already licensed by PBCACC as a dog training (instructional) and grooming (beauty shop) facility and currently meets PBCACC's standard operational requirements. The Applicant's facility is already designed to safely and humanely accommodate overnight animal boarding with multiple rooms and an open recreational area and will be further regulated by PBCACC following approval (see **Exhibits "B"** for some current photos of the existing operation).

While PBCACC regularly monitors the internal operations of animal service establishments, the Town uses measurable policies to monitor external impacts, such as the existing Noise Ordinance. To further ensure all nuisances are mitigated, Staff is recommending a series of conditions of approval, seen in Section III of this Report.

It is important to note that based on **Sec. 78-184**, the Town Commission may include conditions of approval upon reviewing the Special Exception, such as:

- 1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
- Establish a special setback, open space requirement, and/or lot area or dimension.
- 3. Limit the height, size, and/or location of a building or other structure.
- 4. Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
- 5. Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
- 6. Limit or otherwise designate the number, size, location, height and/or lighting of signs.
- 7. Require the use of, and designate the size, height, location and/or materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
- 8. Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
- Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
- 10. Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

#### II. SPECIAL EXCEPTION REVIEW CRITERIA

1. The proposed Special Exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.

The Town's Future Land Use Element designates Northlake Boulevard's future land use as "commercial" which consists of, "retail, service and professional businesses," (Section 3.2.6.2 Town Comprehensive Plan). The Future Land Use Classification System restricts "commercial" land use to:

"Lands and structures devoted primarily to the delivery, sale or otherwise transfer of goods or services on a retail basis, with a maximum F.A.R. of 2.0. This category also includes personal and professional services."

-Section 3.4.3 "Future Land Use Classification System", Lake Park Comprehensive Plan

The Applicant currently operates as a service oriented establishment and it will continue to operate as such if the request is approved. Therefore, the Applicant will remain consistent with the Town's Future Land Use Classification System and Policy 1.4 which states:

"Policy 1.4: Land Development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities provided in Section 3.4.3 of this Element, titled 'Future Land Use Classification System."

Section 3.4.2, Future Land Use Element, Lake Park Comprehensive Plan

The Applicants' intent in pursuing a Special Exception proves the Applicant is making an effort to regulate the use and intensity of its establishment while expanding its operation, as seen in Policy 1.1 which reads:

- Policy 1.1: Land Development Regulations shall be amended as necessary to contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:
  - b. Regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses;
- Section 3.4.2, Future Land Use Element, Lake Park Comprehensive Plan

2. The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

The Applicant's existing use has been permitted per the Zoning Code as an "instructional studio" and "beauty shop" The Applicant has initiated a Text Amendment request to permit the use of "animal boarding-kennels" (under the definition of "animal service establishments") in the C-1 Business District as a Special Exception. The Text Amendment application proposing to incorporate Animal-related uses is under separate cover and this application is contingent on the text amendment approval. Staff is proposing additional conditions to mitigate potential sanitary and noise impacts in Section III of this report.

3. The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

The Applicant is currently located within the C-1 Business District and has a future land use designation of "commercial". The physical characteristics of the Property blend in with the neighboring businesses in terms of height, setbacks, and architectural elements. Furthermore, the Applicant's existing use (pet grooming and training) and proposed Special Exception use (animal boarding-kennel) are service-oriented uses which are compatible with the neighboring personal and professional services. As of now, the Applicants' existing hours of operation and traffic circulation have not presented any nuisances to the surrounding properties. The additional proposed use is not expected to have any negative impacts towards on-site traffic circulation since the Applicant will be primarily serving existing patrons who are expected to generate the same amount of traffic. The parking onsite is shared amongst the various commercial tenants and the combined retail and personal-service related uses can accommodate the code requirement of 5 spaces per 1,000 square feet. The Traffic impacts were also reviewed with the Palm Beach County traffic division and no additional issues were raised (see Exhibit "C" for a copy of the email correspondence).

The Property also abuts the R-1 Residential District, which is demarcated by an alleyway and adjacent concrete wall just south of the Applicant's property line. While service oriented establishments are typically compatible with residential districts, concerns with noise and odor may arise with the use of "animal boarding-kennels". While the noise issue can be monitored through the Town Code's Noise Control Ordinance Section 10-155 (see **Exhibit "D"**) and by Palm Beach County's Animal Care and Control Division (PBCACC) who regulates and inspects facility requirements, Staff is proposing additional conditions which can be found in Section III of this report. These conditions also include additional mitigation provisions for outdoor run areas, providing for sanitary requirements and minimum setback requirements to residential areas.

4. The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or

redevelopment of the area in which the special exception use is proposed to be developed.

Currently, there are no uses along the south side of Northlake Boulevard that are the same or similar to the proposed Special Exception use. This use will be the first of its kind in the C-1 Business District and the Town as a whole.

- 5. The proposed special exception use does not have a detrimental impact on surrounding properties based on:
  - a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

The Applicant plans to use the existing employees to carry out the use. Even if the Applicant increases its employee count, it would not cause a negative impact because the Property can accommodate additional staff given the number of parking and interior spaces available.

b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use;

The language in the Zoning Code provides regulations to prevent nuisances from occurring. Due to the nature of the Applicant's establishment, odor and noise nuisances are the most likely to occur, if at all. Nuisances are especially important issue because the Applicant abuts a residential and commercial district.

The area most susceptible to odor is the Applicant's exterior play area. The Applicant installed a small open turfed area located in the rear of the Property. According to the Applicant, the turf has a built in irrigation and drainage system to ensure sanitation. The turf is frequently treated with anti-odor sprays and is cleaned after every use. All aspects of outdoor play/run areas are regulated by the PBCACC division. Staff is also recommending additional conditions in Section III of this report.

The Town's Noise Control Ordinance states that noise in the commercial district is limited to 60 decibels during all times of the day. This can be enforced by Town Staff on an as-needed basis using a decibel meter.

In the case of visual nuisances, the demarcation line between the R-1 District and the C-1 District is a cement wall which acts as a visual and sound buffer. Other nuisances, such as vibrations, are not a concern since the Applicants' establishment does not generate vibrations.

c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

The Applicant plans on extending the animal boarding-kennel service to its existing patrons. While the Applicant might generate more clients, the nature of the business typically does not cause overflow traffic or disturb on-site circulation. The parking lot

is essentially used as a drop-off/pick-up site for clients (see **Exhibit "C"** as referenced above).

#### 6. That the proposed special exception use:

a. Does not significantly reduce light and air to adjacent properties.

The proposed Special Exception use does not require a deduction or an addition of lighting, nor will its operations affect the air quality for adjacent properties.

b. Does not adversely affect property values in adjacent areas.

As long as the Applicant regularly maintains the facility's sanitation to prevent odor and stays within the permitted sound decibel range (both of which will be regulated by PBCACC and monitored by the Town), the proposed Special Exception use does not have the potential to negatively impact property values for the adjacent areas given its nature.

c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

The proposed Special Exception use would not hinder any future improvement or development plans primarily because the use will be limited to a predominantly indoor facility.

d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.

The proposed Special Exception use would be limited to the subject Property. Therefore, there would not be any adverse impacts to natural systems or public facilities.

e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

Ecofriendly accessories as such would not be applicable to the Applicant's proposed Special Exception use of an "animal boarding-kennel" nor its existing use of an "instructional studio" or "beauty shop".

#### III. STAFF RECOMMENDATION

Staff recommends APPROVAL of the Special Exception use of "animal boarding-kennel", as defined under the "Animal Service Establishment", being proposed under separate cover for the C-1 Business District, based on the following conditions and any additional conditions proposed by the Town's Planning & Zoning Board and the Town Commission:

- a. The animal boarding kennel shall be limited to the boarding of dogs. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
- b. No animal having a disease harmful to humans shall be boarded or maintained in the facility.
- c. No animal boarding kennel or any dog run shall be located within 40 feet of any adjacent residential property line.
- d. Adequate dog runs, either interior or exterior to the building, must be provided for proper care and maintenance of the animals. Exterior Dog runs in or adjacent to a residential use shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
- e. A residential dwelling unit associated with an animal boarding kennel for 24 hour staff is not subject to the standard residential parking requirements, as the unit is to be occupied by either the owner or an employee of the facility.
- f. Methods shall be used to reduce off-site noise, which may include the use of sound barrier material such as "bark-block" and/or other approved insulation.
- g. The animal boarding kennel shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of cleaning waste.
- h. The animal boarding kennel shall be air conditioned and heated so that any windows, doors or other openings can be closed at all times, except for ingress and egress into the area.

## Palm Beach County Animal Care and Control Ordinance 98-22

#### Animals Chapter 4\*

\*Editor's note: Ord. No. 98-22, §§ 1--31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1--4-21, 4-31--4-35, 4-51--4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1--4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

State law references: Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

Sec. 4-1. Short title.

Sec. 4-2. Definitions.

Sec. 4-3. Females in heat.

Sec. 4-4. Dog and cat control.

Sec. 4-5. Animals creating nuisances.

Sec. 4-6. Scientific experimentation/animals as prizes.

Sec. 4-7. Injured animals, action required.

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Sec. 4-21. Livestock.

Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

Sec. 4-23. Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

Sec. 4-24. Animal care; manner of keeping.

Sec. 4-25. Dogs and cats offered for sale; health requirements.

Sec. 4-26. Animal agencies.

Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.

Sec. 4-28. Sterilization program for dogs and cats.

(2) All horses other than those sold for slaughter, must have a report of a negative Coggins test conducted within the previous twelve (12) months for change of ownership. The negative Coggins test report must be provided to the new owner or custodian at the time of change of location or ownership.

(Ord. No. 98-22, § 21, 6-16-98)

#### Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

(a) The chart set forth below prescribes the number of dogs and/or cats per specified acreage restrictions:

TABLE INSET:

If You Have:	Less Than 1.5 Acres	1.5 to Less Than 2.5 Acres	2.5 or More Acres
110 dogs and/or cats	Allowed	Allowed	Allowed
1120 dogs and/or cats	Prohibited	Allowed	Allowed
2130 dogs and/or cats	Prohibited	Prohibited	Allowed

Acreage determination excludes easements for roads or other areas that must allow public egress and ingress. All property must be contiguous.

- (b) References to dogs and cats only refer to dogs and cats older than eight (8) months. There are no restrictions on the number of dogs and cats younger than eight (8) months old that can be on the premises.
- (c) If it is determined that a person is in violation of this section, such person shall be allowed thirty (30) days from the notice of violation to cure same.
- (d) Any person who wishes to exceed the maximum number of thirty (30) dogs and/or cats on two and one-half (2.5) acres or more must apply to the division for a special "excess animal habitat" permit. The owner must comply with all animal care standards as required in section 4-23 of this chapter.

(Ord. No. 98-22, § 22, 6-16-98)

### Sec. 4-23. Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

- (a) Applicability of this chapter and other laws.
  - (1) In addition to this chapter, all licensees must comply with: Florida Statutes, Ch. 588, "Livestock at Large"; Florida Statutes, Ch. 585, "Animal Industry"; Florida Statutes, Ch. 828, "Cruelty to Animals"; Florida Department of Health and Rules and Regulations Chapter 64D-3 Florida Administrative Code, Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health"; Unified Land Development Code of Palm Beach County as adopted by Ordinance 92-20, as amended; Palm Beach County Ordinance No. 72-7, as amended, "Business Taxes"; and any and all other applicable rules and regulations, policies and laws.

- (2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital establishment working under the direct authority and control of a veterinary clinic/hospital, humane society, government animal control shelter, hobby breeder or private stable. All other animal establishments as defined in this chapter are required to secure a permit.
- (b) Permit procedures and requirements.
  - (1) No person shall operate, solicit business, or advertise an animal establishment without first obtaining an operational permit (hereinafter, "permit") issued by the division.
  - (2) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications. A permit shall be issued only after the division completes an inspection and determines that the minimum requirements and standards, as set forth herein have been met. After approval, a permit shall be issued upon payment of the applicable fee. The permit shall be prominently displayed on the premises where animals are located. The cost of a permit and other related fees shall be established by the board by resolution.
  - (3) The permit is valid for a period of one (1) year from the date of issue, unless otherwise stated or revoked. The permit shall be renewed annually. Said permit is not transferable, assignable or refundable. Renewal applications for permits shall be made at least thirty (30) days prior to the expiration date. The board shall be resolution establish late fees for untimely permit renewal applications. Failure to timely apply for a permit renewal may result in a lapse in the permit.
  - (4) A new animal establishment shall use its initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.
  - (5) Each separate place of business or property shall be required to have a permit. Each individual mobile grooming unit shall be subject to inspection and shall be required to have a separate permit.
  - (6) If there is a change in ownership of any animal establishment, the new owner shall obtain a permit.
  - (7) It shall be a condition of the issuance of any permit that the division shall be allowed, at any reasonable time, to inspect without notice, all domestic animals, all premises where animals are kept, all records pertaining to such animals, and all records pertaining to the business.
  - (8) No permit shall be renewed hereunder if an applicant has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.
  - (9) No permit shall be issued or renewed without proof of a current business tax receipt issued by the county tax collector in accordance with Palm Beach County Ordinance No. 72-7, as amended.
  - (10) An animal control officer may conduct an investigation of any complaint concerning any animal establishment within the county.
  - (11) If an inspection of an animal establishment reveals noncompliance with this chapter, an animal control officer may issue a citation, setting forth the name of the establishment being cited, to owners or managers of an animal establishment. Said citation shall be issued in the name of the animal establishment's owner and also state the name of the person signing for the owner of the animal establishment.

- (12) By notice of adverse action, the division may deny, revoke or suspend any permit if it is determined that:
  - a. There has been a material misstatement or misrepresentation in the permit application;
  - b. The permit holder has been cited for at least two (2) violations within a oneyear period, each resulting in the imposition of a fine;
  - c. The permit holder has failed to pay a fine or to request a hearing in county court to answer the charges of a citation within thirty (30) days of issuance of the violation:
  - d. The permit holder or any of his agents have been convicted of a violation of law involving cruelty to animals;
  - e. An animal under the care and responsibility of a permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death; or
  - f. The permit holder and/or their employees/agents, refuses to allow the inspection of the premises.
- (13) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review and inspection, the permit fee shall be refunded as provided by the board by resolution.
- (c) Reserved.
- (d) Appeal process.
  - (1) Any person who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a special master within the ten-day period after the division originates the adverse action. A written notice of appeal and appeal bond must be filed with the division within ten (10) days of the notice of adverse action. The board of county commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county.
  - (2) The appeal must be heard by a special master within thirty (30) calendar days after the owner has submitted a notice of appeal. The appeal may be delayed by the division, the special master, or the permit applicant or permit holder beyond the thirty (30) calendar days for good cause shown.
  - (3) The person receiving the notice of adverse action shall, until final disposition of the appeal, take whatever positive measures are necessary to prevent any future violations of this chapter from occurring.
  - (4) Unless otherwise provided herein, the hearing before the special master shall be governed as provided in section 4-30, Animal care and control special master hearing.
  - (5) The denial, revocation or suspension of the permit shall be upheld or revoked by the special master.
- (e) Owner requirements following notice of adverse action and/or appeal process.
  - (1) If the notice of adverse action of denial, revocation or suspension of a permit issued under this section is not appealed, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the deadline to appeal has passed. If the notice of adverse action of denial, revocation, or suspension of a permit

issued under this section is upheld on appeal, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the appeal hearing unless otherwise ordered by the special master. The permit applicant or permit holder shall provide the division with written notification of the disposition and location of each animal, including the name, address, and telephone number of each new owner. If the animals have not been humanely disposed of as described above, the division shall attempt to notify owner(s), if applicable, and may impound any animals found to be housed or kept in violation of this chapter. Such animals may be redeemed in accordance with section 4-12, Redemption and adoption.

- (2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication shall be accompanied by a fee to be established by the board by resolution.
- (3) Any person with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate an animal establishment in the county.
- (f) Inspection procedures.
  - (1) An inspection form shall be used as a guideline for the inspecting officer and the animal establishment.
  - (2) Inspections of animal establishments shall be made without notice, during normal business hours or at any reasonable time during daylight hours. All inspections shall be made in the presence of the owner, manager or person in charge of the establishment whenever possible.
  - (3) The inspecting officer will complete the inspection form by marking unsatisfactory items. Instructions and comments will be made at the bottom of the inspection form.
  - (4) Whenever deficiencies are noted or the division receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the division.
  - (5) After the inspection is complete, the owner, manager or person in charge of the animal establishment shall sign the inspection form whereupon a copy of the completed form will be given to the owner or manager. If the owner or manager is not present, a copy of the form will be mailed to the owner or manager and the original copy will be kept by the division.
  - (6) The owner or manager of the animal establishment shall correct or initiate corrections within seven (7) days, unless otherwise stated by the inspecting officer.
- (g) Minimum general operational standards.
  - (1) Each animal establishment will prominently display a current, valid county animal care and control operational permit.
  - (2) Each animal establishment which accepts privately owned animals into its custody, shall report to the division, any obvious case of neglect or animal abuse pursuant to this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." The division's phone number shall be posted in a prominent location visible to both employees and customers.
  - (3) Each animal establishment shall meet all fire safety requirements in accordance with the local fire and zoning regulations. A posted plan and diagram to evacuate all animals in case of fire shall be provided in a prominent location.

- (4) Each animal establishment shall have a working telephone available at all times in case of an emergency. The name of the establishment's veterinarian and the veterinarian's phone number shall be posted and made available to all employees and customers.
- (5) Every owner or manager of an animal establishment must provide for adequate rodent and insect control.
- (6) Each animal establishment shall have sufficient lighting to permit routine inspection and cleaning of the facility, and clear observation of the animals. Animal areas must be lighted for at least eight (8) hours a day, by either natural or artificial light, corresponding to the natural period of daylight. If only artificial light, such as florescent light is provided, it must provide full-spectrum illumination. Animal enclosures must be placed so as to protect animals from excessive light.
- (7) All areas of each animal establishment shall be clean, orderly and free of garbage, unused food, standing water, litter or refuse. Garbage shall be kept in garbage cans with lids and disposed of daily. (Commercial stables refer to requirements in subsection (k)).
- (8) Animal excrement shall be removed by spot cleaning regularly throughout the work day. (Commercial stables refer to requirements in subsection (k)).
- (9) All cleaning solutions and disinfectants shall be stored and used in accordance with the manufacturer's instructions, properly labeled as to content, and shall be stored so as to not come into any contact with animals.
- (10) All equipment, buildings, appurtenances, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for intended use.
- (11) Wherever animals are housed or cared for, floors, moldings, walls, shelves and work areas shall be of a nonporous material impervious to fecal matter and urine that can be easily swept, wiped, mopped and disinfected daily. Carpeting as a flooring or wall covering shall not be used wherever animals are housed or maintained. Notwithstanding the foregoing, the division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan. (Stables refer to requirements in subsection (k)).
- (12) All aisles shall be kept clear to provide safe, free access throughout the animal establishment.
- (13) Animal establishments which fail to obtain licensed veterinary care or show proof of same, for any sick or injured animal found in the animal establishment's custody may be charged for violating section 4-24, Animal care; manner of keeping, of this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." Proof of adequate, timely, veterinary care must be provided to the inspecting officer upon request.
- (14) Bodies of dead animals must be disposed of according to this chapter and any and all other applicable county and state regulations, policies and laws.
- (15) All animals in an animal establishment must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping.
- (16) A commercial breeder's permit number shall be included in all advertisements offering a dog or cat for sale.
- (h) Minimum operational standards for kennels, commercial breeders, pet dealers and excess animal habitats (EAH).
  - (1) Record keeping--Kennels, commercial breeders and excess animal habitats.

- a. Kennels, commercial breeders and excess animal habitats shall keep records on all animals currently bred, born, boarded, housed and/or being trained. These records shall be maintained on each animal individually.
- b. The information in these records shall include but not be limited to rabies vaccination, all other inoculations and prescription or medical treatment administered. In addition, kennels shall be required to obtain the owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian. Excess animal habitats shall also include records indicating where the animal was obtained. The above information shall be available to the inspecting officer upon request.
- c. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment can be given if the animal shows signs of illness or is injured while in the care and custody of the kennel.
- d. Commercial breeders shall comply with section 4-25, Dogs and cats offered for sale; health requirements, and shall maintain a separate file for each dog and cat containing all Official Certificate of Veterinary Inspection's (OCVI) and medical records for each individual dog and cat. Such records shall be kept on file at all times on the premises and available to the inspecting officer upon request. Such records shall be maintained for a period of two (2) years after an animal is sold or otherwise disposed of.
- e. All dogs housed at a kennel for training purposes shall have a training contract. The training contract shall state that the dog is housed specifically for training. The dog shall be housed in an enclosure appropriate for its breed and size to stand or site erect, lie down in a comfortable normal position, stretch out and turn about freely. The contract shall include notice that the dog will be interacting with other pets in training classes. The contract shall be signed by the dog's owner.
- f. Commercial breeders shall maintain records of each litter of puppies and kittens born. Such records shall include the date of birth, number of puppies or kittens in the litter, and license tag number of the parents.
- g. On a quarterly basis, commercial breeders shall provide the division with the name, address, and telephone number of the new owner of any puppy or kitten placed in the county.
- (2) Animal housing requirements--Kennels and excess animal habitats.
  - a. For kennels, dogs must be separated by a wall at least four (4) feet high or one (1) foot higher than the top of each dog's head (excluding the ears), when the dog is standing on all four (4) feet.
  - b. Animals shall be confined and not allowed to run at large on the premises, except when housed for training and a training contract has been signed by the owner as stated in subsection (h)(1)e. of this section.
  - c. Animals housed in kennels shall be separated in individual cages in the following manner:
    - 1. Dogs from cats.
    - 2. Unsterilized males from females.
    - 3. Nursing mothers with their young from all others.

- 4. Boarding dogs from registered guard dogs. By special request of the owner, as noted in the record, animals from the same household may be boarded together and may be allowed to interact with other animals during supervised play periods.
- d. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with any other animals or the public.
- e. Applicable county and state health regulations must be followed when caring for any animal harboring an animal-to-human disease.
- f. Dogs kenneled for a period longer than three (3) months shall be afforded protective measures. Kennel operators shall notify the division regarding all dogs maintained at their kennel for longer than three (3) months and shall comply with the following requirements:
  - 1. Arrange for a professional behaviorist or trainer to visit once every three (3) months for the purpose of evaluation, therapeutic or obedience training.
  - 2. A veterinarian examination prior to the fourth month of confinement, and every ninety (90) days thereafter. Dogs not maintained on a heartworm preventative program shall be given an occult heartworm test and started on preventative or treated for same.
  - 3. Each week a minimum of fifty (50) minutes for play, interaction, grooming and/or training. This may be done by volunteers, however, dogs with medical conditions prohibiting play or training sessions shall be excluded from this requirement upon written certification of the medical condition by a licensed veterinarian.
  - 4. Records shall be kept at the kennel evidencing compliance with the above.
- (3) Physical facility requirements--Kennels, commercial breeders, pet dealers and excess animal habitats.
  - a. Floors and walls of all animal enclosures shall be made of nonporous material impervious to fecal matter and urine that can be easily disinfected. The floors shall slope toward the drains or troughs. Notwithstanding the foregoing, the division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan.
  - b. The premise shall have drainage and plumbing adequate to handle the heavy load of daily cleaning.
  - c. Indoor/outdoor housing facilities. Indoor and outdoor housing facilities shall be maintained in accordance with section 4-24, Animal care; manner of keeping.
  - d. Animal enclosures.
    - 1. General requirements.
      - A. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. The animal enclosures must be kept in good repair.

- B. Animal enclosures must be constructed and maintained so they:
  - i. Have no sharp points or edges which could injure the dogs and cats;
  - ii. Protect the dogs and cats from injury;
  - iii. Keep predators and unauthorized individuals from accessing the enclosure;
  - iv. Enable the dogs and cats to remain dry and clean;
  - v. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;
  - vi. Are shaded to shelter all the dogs and cats housed in the animal enclosure:
  - vii. Provide the dogs and cats with easy and convenient access to clean food and water;
  - viii. Enable all surfaces in contract with the dogs and cats to be readily cleaned and disinfected; and
  - ix. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury and that will not allow the dogs' and cats' appendages to pass through any openings in the floor.
- C. Airline type containers normally used for shipping and transporting animals shall not be used to permanently house animals.
- D. Space requirements for dogs:
  - i. Indoor/outdoor enclosures for extra large dogs over seventy-five (75) pounds shall be at least thirty-two (32) square feet, per dog.
  - ii. Indoor/outdoor dog enclosures for large dogs fifty-one (51) pounds to seventy-five (75) pounds shall be at least twenty-four (24) square feet, per dog.
  - iii. Indoor/outdoor dog enclosures for medium dogs thirtysix (36) to fifty (50) pounds shall be at least twenty (20) square feet, per dog.
  - iv. Indoor/outdoor dog enclosures for small dogs twenty-one (21) to thirty-five (35) pounds shall be at least twelve (12) square feet, per dog.
  - v. Indoor/outdoor dog enclosures for dogs eleven (11) to twenty (20) pounds shall be at least eight (8) square feet, per dog.
  - vi. Indoor/outdoor dog enclosures for dogs ten (10) pounds and under shall be at least six (6) square feet, per dog.
  - vii. The interior height of an indoor/outdoor dog enclosure must be at least one (1) foot higher than the highest point of

the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.

- E. Space requirements for cats.
  - i. Each cat that is housed in any animal enclosure must be provided minimum space as follows:
    - (a) Each animal enclosure housing cats or kittens must be at least twenty-four (24) inches high;
    - (b) Adult cats and kittens over four (4) months old must be provided with at least four (4) square feet, per cat; and
  - ii. Compatibility.
    - (a) All cats housed in the same animal enclosure must be compatible and have the same owner.
    - (b) Queens in heat may not be housed in the same animal enclosure with any mature males unless an appropriate breeding permit has been obtained.
    - (c) Queens with litters may not be housed in the same animal enclosure with other adult cats.
    - (d) Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats.
    - (e) Cats with a vicious or aggressive disposition must be housed separately.
  - iii. Cat litter.
    - (a) In all animal enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.
    - (b) Litter pans shall be cleaned and changed daily or more often when necessary.
  - iv. Resting surfaces (perches).
    - (a) Each animal enclosure housing cats shall contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the animal enclosure at the same time comfortably.
    - (b) The resting surfaces must be elevated, impervious to moisture and able to be easily disinfected, or easily replaced when soiled or worn.
    - (c) The resting surfaces shall not be considered part of the minimum floor space.
- (4) Food and water requirements: Dogs and cats--Kennels, commercial breeders, pet dealers and excess animal habitats.
  - a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.

- b. Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn the container over
- c. Food and water shall be fresh, appropriate and free from contamination.
- (5) Cleaning procedures for (animal enclosures)--Kennels, commercial breeders, pet dealers and excess animal habitats.
  - a. All animal enclosures including floors, walls and doors shall be cleaned, disinfected and dried daily.
  - b. Dogs and cats shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures.
  - c. Drains and walkways adjacent to all animal enclosures shall be hosed and disinfected daily.
  - d. All animal enclosures shall be spot cleaned as necessary to remove animal excrement throughout the day.
  - e. Food dishes and water bowls shall be cleaned and disinfected daily.
  - f. Appropriate cleaning methods shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.
    - (i) Minimum operational standards for pet shops and pet dealers.
      - (1) General requirements for pet shops and pet dealers. For the purpose of this section, the word dog means a dog of any age and the word cat means a cat of any age.
        - a. For each dog and cat transported into the county from outside of the State of Florida for sale, the tests, vaccines, and anthelmintics required by this chapter must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the Official Certificate of Veterinary Inspection (OCVI). The tests, vaccines, and anthelmintics must be administered no more than thirty (30) days and no less than fourteen (14) days before the dog or cat's entry into the State of Florida. An OCVI certifying compliance with this chapter must accompany each dog and cat transported into the State of Florida for sale.
        - b. No dog or cat imported into the State of Florida for sale shall be offered for sale without an OCVI issued by a veterinarian licensed in the state of origin.
        - c. The following tests, vaccines, and anthelmintics must be administered to each dog before the dog is offered for sale in the county, unless a licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog:
          - 1. Canine distemper.
          - 2. Leptospirosis.

- 3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale).
- 4. Parainfluenza.
- 5. Hepatitis.
- 6. Canine parvo.
- 7. Rabies, provided the dog is over three (3) months of age and the inoculation is administered by a licensed veterinarian.
- 8. Roundworms.
- 9. Hookworms.

If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics required by this chapter must be administered no more than twenty-one (21) days before sale within the county. If the dog is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this chapter must be administered at or after three (3) months of age, but no more than one (1) year before sale within the county.

- d. The following tests, vaccines, and anthelmintics must be administered to each cat before the cat is offered for sale in the county, unless the licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat:
  - 1. Panleukopenia.
  - 2. Feline viral rhinotracheitis.
  - 3. Calici virus.
  - 4. Rabies, if the cat is over three (3) months of age and the inoculation is administered by a licensed veterinarian.
  - 5. Hookworms.
  - 6. Roundworms.

If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before sale within the state. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after three (3) months of age, but no more than one (1) year before sale within the state.

- e. Every dog and cat offered for sale by a pet shop or pet dealer must be accompanied by a current OCVI at all times while being offered for sale within the county. The examining veterinarian must retain one (1) copy of the OCVI on file for at least one (1) year after the date of examination.
- f. Each dog and cat in the possession of a pet shop or pet dealer shall be examined by a veterinarian licensed to

practice in Florida no more than thirty (30) days before the sale within the county. The examination must include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. At the conclusion of the examination, the veterinarian shall complete an OCVI, which shall remain current for a period of thirty (30) days. Each dog and cat in the possession of a pet shop or pet dealer shall be re-examined by a veterinarian every thirty (30) days and the pet shop or pet dealer shall ensure that a current OCVI is completed by the examining veterinarian.

- g. Each dog over six (6) months of age must be tested by a veterinarian for heartworms before being offered for sale and the results of the tests must be listed on the OCVI.
- h. Each cat must be tested by a veterinarian for feline leukemia before being offered for sale and the results of the tests must be listed on the OCVI.
- i. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale shall be examined by a veterinarian licensed in Florida within two (2) business days of the day the pet shop or pet dealer obtains the dog or cat.
- j. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange for the transportation of any dog or cat that is less than eight (8) weeks of age.
- k. No pet shop or pet dealer shall import a dog into the United States in violation of 7 U.S.C. 2148, *Importation of live dogs*.
- I. No pet shop or pet dealer shall obtain a dog or cat from any source, including but not limited to a breeder or dealer, if the source or an owner, operator or employee of the source:
  - 1. has been convicted of cruelty to animals under any federal, state or local law.
  - 2. has had a final judgment entered against it/him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.
  - 3. has been temporarily or permanently enjoined from breeding, selling or dealing in dogs or cats by any court.
  - 4. whose license/permit issued by any local government, state, or federal government to breed,

sell or otherwise deal in dogs or cats is suspended or revoked.

5. does not hold a current license/permit to breed, sell or otherwise deal in dogs or cats as required by the applicable local, state, or federal law.

#### m. An OCVI must:

- 1. be signed on the date of examination by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture and must include the veterinarian's license number.
- 2. show the age, sex, breed, color, and health record of the dog or cat examined.
- 3. contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.
- 4. for each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.
- 5. state that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.
- 6. state whether the examining veterinarian has detected any physical abnormalities in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropian, an inguinal hernia, and cryptorchidism.

An OCVI that does not meet the above-cited requirements shall not comply with this chapter.

- n. It shall be a violation of this chapter to falsify any information provided in any OCVI.
- o. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet dealer or veterinarian are subject to inspection by any agent of the division, the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under Florida Statutes § 828.03.

p. All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted with an electronic animal identification device (EAID).

#### (2) Records.

- a. Each pet shop or pet dealer shall maintain the following written records on each dog and cat offered for sale for a period of not less than two (2) years after disposition of each dog and cat:
  - 1. The name and address of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
  - 2. The name and address of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
  - 3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.
  - 4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.
  - 5. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.
  - 6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.
  - 7. A complete record of any medical treatment or medication provided to or recommended for each dog or cat by a veterinarian and any medical diagnosis made by a veterinarian concerning each dog or cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.
  - 8. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time of sale

or is likely to adversely affect the health of the dog or cat in the future.

- b. For a period of two (2) years from the disposition of each dog and cat, the pet shop or pet dealer shall maintain records specifying the date and nature of disposition of each dog and cat and the name, address, and phone number of the purchaser (or owner if different than the purchaser) of each dog or cat.
- c. Once per month, each pet shop and pet dealer shall provide the division with records indicating the number of dogs and cats sold or disposed of during the previous month; the name and physical address (no P.O. boxes) of the breeder, dealer, or source from which each dog and cat was obtained; the date each dog and cat was obtained; and the date each dog and cat was sold or otherwise disposed of by the pet shop or pet dealer; and the name, physical address (no P.O. boxes), and telephone number of the purchaser or owner (if different from the purchaser) of each dog and cat sold during that month, including the EAID number, breed, color, sex, and age of each dog and cat.
- d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet shop or pet dealer shall maintain a record of the date of death and known or suspected cause of death. Any dog or cat that dies while being treated by a veterinarian or person at the request of the pet shop or pet dealer shall be considered in the possession of the pet shop or pet dealer at the time of death. The veterinarian shall specify the date of and known or suspected cause of death on the dog or cat's OCVI. Upon the death of a dog or cat, the pet shop or pet dealer shall provide the division with records reflecting the date and cause of the dog or cat's death. The pet shop or pet dealer shall maintain a copy of such record for a period of two (2) years from the date of the dog or cat's death.
- e. Each pet shop and pet dealer shall maintain on the premises all records required by this chapter and shall make such records available to the division upon request.
- f. The failure to maintain complete records on each dog and cat as required by this chapter shall constitute a separate violation as to each record missing or incomplete.
- (3) Notices and disclosures to purchasers
  - a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of each dog and cat offered for sale a written notice in twelve-point or greater type identifying the breed, sex, and date of birth of each dog and

cat and the name and address of the sources that bred each dog and cat and sold each dog and cat to the pet shop.

b. Each pet shop and pet dealer shall post conspicuously in close proximity to the cages or enclosures where dogs and cats are offered for sale a notice in at least fifty-point type containing the following:

"Notice to consumers: Before purchasing a dog or cat you may request information concerning each dog or cat's health, medical history, and the source from which the dog or cat was obtained. Upon your request, the pet shop or pet dealer is required to show you these records before you purchase a dog or cat and to give you a copy of these records when you purchase a dog or cat."

c. At the time of sale, each pet shop and pet dealer shall provide the purchaser with a written notice in twelve-point or greater type stating:

Pursuant to the Palm Beach County Animal Care and Control Ordinance, every owner of a dog or cat is required to obtain a license tag for each dog and cat from the Palm Beach County Division of Animal Care and Control ("Division") or an authorized veterinarian. The license tag must be renewed every year, and proof of an up to date rabies vaccination is required to obtain or renew a license tag.

The Palm Beach County Board of County Commissioners has determined that the unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation at great expense to the community and that every feasible means of reducing the number of unwanted dogs and cats should be encouraged. The Board of County Commissioners has also determined that spaying and neutering every dog and cat is one of the best ways to reduce the number of unwanted pets. Therefore, every dog and cat in Palm Beach County must be spayed or neutered by the time the dog or cat is six (6) months old, unless certain exceptions apply.

Every owner of a dog or cat must obtain an annual unaltered license tag from the Division or a veterinarian for each dog or cat over the age of six (6) months that is not spayed or neutered. A dog or cat with an unaltered license tag cannot be bred

unless an appropriate breeding permit is first obtained from the Division.

No person shall breed any dog or cat in Palm Beach County without first obtaining a breeding permit. Contact the Division at (561) 233-1200 or <a href="https://www.pbcgov.com/publicsafety/animalcare/">www.pbcgov.com/publicsafety/animalcare/</a> with questions about regulations pertaining to your new dog or cat.

The division shall have the authority to establish an alternative written disclosure form that includes the essential elements of the written notice provided herein.

- d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of each dog and cat a written disclosure(s) containing the following:
  - 1. The name and physical address (no P.O. boxes) of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
  - 2. The name and physical address (no P.O. boxes) of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
  - 3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.
  - 4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.
  - 5. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.
  - 6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.
  - 7. A complete record of any medical treatment or medication provided to or recommended for the dog or cat by a veterinarian and medical diagnosis made by a veterinarian concerning the dog to cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the pet

shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.

8. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time or sale, or is likely to adversely affect the health of the dog or cat in the future.

A pet store or pet dealer shall provide all of the above-cited written disclosures to the prospective purchaser of each dog or cat for review prior to the purchase upon request.

- (4) Warranties for dogs and cats.
  - a. A dog or cat that is purchased from a pet shop or pet dealer shall be considered unfit for purchase if any of the following apply:
    - 1. Within fourteen (14) days following the sale of a dog or cat by a pet shop or pet dealer a licensed veterinarian of the purchaser's choosing certifies that, at the time of the sale, the dog or cat was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks.
    - 2. Within one (1) year following the sale of a dog or cat, a licensed veterinarian of the purchaser's choosing certifies such dog or cat to be unfit for purchase due to a congenital or hereditary disorder that adversely affects the health of the dog or cat.
    - 3. Within one (1) year following the sale of a dog or cat, the breed, sex, or health of such dog or cat is found to have been misrepresented to the purchaser.
  - b. If a dog or cat is unfit for purchase for any of the above-cited reasons, the pet shop or pet dealer shall afford the purchaser the right to choose one (1) of the following options:
    - 1. The right to return the dog or cat and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this chapter and directly related to necessary emergency services and treatment undertaken to relieve suffering;
    - 2. The right to return the dog or cat and receive an exchange dog or cat of the purchaser's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is

unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

- 3. The right to retain the dog or cat and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat. Reimbursement for veterinary costs may not exceed the purchase price of the dog or cat. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.
- c. The refund or exchange required by this chapter shall be made by the pet shop or pet dealer not later than ten (10) business days following receipt of a signed veterinary certification as required in this chapter. The purchaser must notify the pet shop or pet dealer within a reasonable time after the veterinarian's determination that the animal is unfit and must provide the pet shop or pet dealer with a copy of the written certification of unfitness.
- d. A dog or cat may not be determined unfit for sale on account of an injury sustained or illness contracted after the purchaser takes possession of the dog or cat. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the dog or cat is clinically ill because of that condition.
- e. If a pet shop or pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a purchaser under this section, the pet shop or pet dealer may require the purchaser to produce the dog or cat at a mutually agreed upon time and place for examination by a licensed veterinarian designated by the pet shop or pet dealer. Upon such examination, if the purchaser and the pet shop or pet dealer are unable to reach an agreement that constitutes one (1) of the options set forth in this chapter within ten (10) business days following examination by the pet shop or pet dealer's designated veterinarian, the purchaser may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.
- f. No pet shop or pet dealer shall require or attempt to require a purchaser to sign a contract or agreement to waive any of the rights provided by this chapter. Any contract or agreement in which a purchaser agrees to waive any rights

provided under this chapter shall be null and void and unenforceable.

- g. This chapter does not in any way limit the rights or remedies that are otherwise available to a purchaser under any other law.
- h. Each pet shop and pet dealer shall provide the purchaser of a dog or cat at the time of sale with the written notice required by Florida Statutes § 828.29(12), which shall be provided in twelve-point or greater type.
- i. No pet shop or pet dealer shall require the purchaser of a dog or cat to use the pet shop's veterinarian in order to receive a refund or exchange required by this chapter.
- j. If a purchaser requests a refund or requests to return or exchange a dog or cat pursuant to this chapter, each pet shop and pet dealer shall maintain all records related to the purchaser's request for a period of two (2) years from receipt of such records and shall deliver a copy of the purchaser's request to the division within seven (7) days of receipt.
- (5) Animal housing requirements--Pet shops and pet dealers.
  - a. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with other animals or the public.
  - b. Animals with diseases that can be airborne must be isolated in an area with independent ventilation.
  - c. Any animal that cannot stand on its own or that has a life threatening disease must be hospitalized, housed under the direct care of a veterinary hospital/clinic or humanely euthanized.
  - d. State and county health regulations must be followed when caring for any animal harboring an animal-to-human disease.
- (6) Animal care--Pet shops and pet dealers.
  - a. Each animal shall be examined daily for signs of illness or injury. Any suspected illness or injury shall be reported to the owner or manager of the establishment immediately. Any sick animal shall be immediately isolated from other animals. All bedding material and feces in a sick animal's cage shall be removed and disinfected or discarded. Display areas, holding crates, cages or animal enclosures, trays and feeding equipment used by a sick animal shall be disinfected immediately.
  - b. Failure to obtain adequate, timely care from a licensed veterinarian for any diseased or injured animal found in the

custody of any establishment shall be a violation of this chapter and/or Florida Statutes Ch. 828, "Cruelty to Animals". Proof of adequate and timely veterinary care must be provided to the division upon request.

- c. All animals that show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within twenty-four (24) hours and at least one (1) other time prior to being sold to certify that they are free from illness or injury.
- d. All animals other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs, all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species.
- (7) Physical facility requirements--Pet shops.
  - a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.
  - b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.
  - c. Heating, cooling and temperature.
    - 1. Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from cold and hot temperatures and to provide for their health, comfort and wellbeing.
    - 2. When animals are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for animals not acclimated to lower temperatures. Such animals would include short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals.
    - 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) or must not rise above eighty-five (85) degrees F (thirty-five (35) degrees C) at any time.
  - d. Ventilation.
    - 1. Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

- 2. Air, preferably fresh air, must be provided through windows, vents, fans (exterior) or airconditioning.
- 3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (thirty (30) degrees C) or higher.
- e. Cages/animal enclosures.
  - 1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.
  - 2. Animal enclosures must be constructed and maintained so that they:
    - A. Have no sharp points or edges that could injure animals;
    - B. Protect animals from injury;
    - C. Keep predators and unauthorized individuals from accessing the enclosure(s);
    - D. Provide animals with easy and convenient access to clean food and water;
    - E. Enable all surfaces in contact with animals to be readily cleaned and disinfected.
    - F. Have floors which are constructed in a manner that protects the animals' appendages from injury, and that if of mesh or slatted construction, will not allow the animals' appendages to pass through any openings in the floor.
  - 3. Space requirements for dogs.
    - A. The guideline for minimum size for an animal enclosure for a dog ten (10) pounds and under shall be three and one half (3.5) square feet.
    - B. The guideline for minimum size for an animal enclosure for a dog from eleven (11) to twenty (20) pounds shall be six (6) square feet.
    - C. The guideline for minimum size for an animal enclosure for a dog from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.
    - D. The guideline for minimum size for an animal enclosure for a dog from thirty-six

- (36) to fifty (50) pounds shall be twenty (20) square feet.
- E. The guideline for minimum size for an animal enclosure for a dog over fifty (50) pounds shall be twenty-four (24) square feet.
- F. The interior height of each animal enclosure for a dog must be at least six (6) inches higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.
- G. All dogs over thirty-five (35) pounds shall be required to be exercised on a leash three (3) times per day for a minimum of ten (10) minutes per exercise period.
- 4. Space and other requirements for cats.
  - A. Each cat that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:
    - i. Each animal enclosure housing cats must be at least twenty-two (22) inches in interior height.
    - ii. Cats up to and including nine (9) pounds must be provided with at least three (3) square feet.
    - iii. Cats over nine (9) pounds must be provided with at least four (4) square feet.
  - B. Compatibility.
    - i. All cats housed in the same animal enclosure must be compatible, as determined by observation.
    - ii. Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats.
  - C. Litter.
    - i. In all cat enclosures, a receptacle containing sufficient clean litter must be provided to collect excreta and body wastes.
    - ii. Litter pans shall be cleaned and changed daily or more often if necessary.
  - D. Resting surfaces.

- i. Each animal enclosure housing cats should contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the animal enclosure at the same time comfortably.
- ii. The resting surfaces must be elevated, impervious to moisture and able to be easily cleaned and disinfected, or easily replaced when soiled or worn.
- iii. The resting surfaces shall not be considered part of the minimum floor space.
- (8) Food and water requirements--Pet shops.
  - a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.
  - b. Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn container over.
  - c. Food and water shall be fresh, appropriate and free from contamination.
- (9) Cleaning procedures; dogs and cats--Pet shops.
  - a. Animals (other than water dependent species) shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures. Water dependent species shall not be directly exposed to disinfectant and shall be removed from tanks during cleaning procedures.
  - b. The entire cage of each dog and cat including top, sides, floor, grate, wall and door shall be cleaned with soap and disinfected, rinsed and dried daily.
  - c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned with soap and disinfected daily.
  - d. Runs and cages shall be spot cleaned as necessary to remove animal excrement throughout the day.
  - e. Food dishes and water bowls/containers shall be cleaned and disinfected daily.
  - f. Appropriate cleaning procedures shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.
- (j) Minimum operational standards for grooming parlors and mobile grooming units.
  - (1) Record keeping--Groomers.

- a. All grooming parlors and mobile grooming units shall maintain a record of all animals currently on premises or being groomed.
- b. A medical emergency release form must be obtained from the owner of each animal so that emergency treatment can be given if an animal shows signs of illness or is injured while in the care and custody of the grooming parlor/unit.
- c. The information on this medical release form shall include, but not be limited to: the owner's name, address, emergency telephone number, owner's veterinarian and veterinarian's telephone number. This information shall be provided to the inspecting officer upon request.
- (2) Physical facility requirements--Groomers.
  - a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.
  - b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.
  - c. Heating, cooling and temperature.
    - 1. Indoor facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from cold and hot temperatures and to provide for their health, comfort and well-being.
    - 2. When dogs and cats are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for dogs and cats not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds).
    - 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) and must not rise above eighty-five (85) degrees F (thirty (30) degrees C) at any time.

#### d. Ventilation.

- 1. Indoor facilities for dogs and cats must be sufficiently ventilated at all times when dogs and cats are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.
- 2. Air, preferably fresh air, must be provided through windows, vents, fans or air-conditioning.
- 3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (twenty-nine and one-half (29.5) degrees C) or higher.
- 4. Proper ventilation shall insure that the fumes from urine do not adversely affect the lungs of the animals or humans.
- e. Cages/animal enclosures.
  - 1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.
  - 2. Animal enclosures must be constructed and maintained so that they:
    - A. Have no sharp points or edges that could injure dogs and cats;

- B. Protect dogs and cats from injury;
- C. Keep predators and unauthorized individuals from accessing the enclosure;
- D. Provide dogs and cats with easy and convenient access to clean water as needed:
- E. Enable all surfaces in contact with dogs and cats to be readily cleaned and disinfected.
- F. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury, and that if of mesh or slatted construction, will not allow the dogs' and cats' appendages to pass through any openings in the floor.
- 3. Animal enclosures for dogs and cats which are housed for less than twelve (12) hours must provide sufficient space for each dog and cat, appropriate to its species, breed and size to stand erect, lie down in a comfortable, normal position, stretch out, and to turn about freely.
- 4. In order to house animals for more than twelve (12) hours, a kennel permit must be obtained from the division.
- (3) Animal care--Groomers.
  - a. Each cage and animal enclosure including top, sides, floor, grate and door shall be cleaned with soap and disinfected, rinsed and dried after each animal occupant.
  - b. Clippers, combs, brushes and any other equipment shall be disinfected after each animal grooming.
  - c. Clean, separate drying towels shall be used for each individual animal groomed.
  - d. Every grooming facility must use tepid water for the purpose of washing dogs and cats. Cold water is not acceptable.
  - e. Grooming bathtubs shall be cleaned with soap and disinfected and rinsed after each animal grooming. Grooming bathtubs shall be maintained free of mold and mildew.
  - f. Clippers, dryers, combs, brushes and any other grooming equipment shall be maintained in good repair so that they are appropriate for the intended safe use per the manufacturers' or suppliers' instructions.
  - g. No animal having a known or suspected communicable or infectious disease, shall be accepted for grooming care by a grooming business.
  - h. No animal is to be housed overnight at any grooming parlor/unit unless the premise is also permitted as a kennel.
- (k) Minimum operational standards for commercial stables.
  - (1) Record keeping requirements--Commercial stables.
    - a. Commercial stables shall keep a reference file on all animals. These files shall be maintained on each animal individually. The information in these files shall include but not be limited to vaccination records, medical treatment administered at the facility, owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian.
    - b. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment

may be given if the animal shows signs of illness or injury while in the care and custody of the commercial stable.

- c. A copy of a current (within the previous twelve (12) months) negative Coggins test (equine infectious anemia) shall be on record for each equine (except nursing foals) boarded or kept at a commercial stable. No equine shall be accepted for board unless a current (within the past twelve (12) months) negative Coggins test record is produced by the owner.
- d. All records shall be made available to the inspecting officer upon request.
- (2) Physical facility requirements--Commercial stables.
  - a. Barn.
    - 1. All barns shall be well ventilated so as to have free flow of air or forced ventilation.
    - 2. All feed and tack rooms shall be kept clean and orderly, clear of litter and refuse. Aisles shall be kept clear to provide free exit of stabled animals.
    - 3. All barns or structures shall be in good repair with no water leaks. The floor of all stalls shall be free of standing water. There shall be sufficient drainage on the property to prevent accumulation of persistent standing water in paddock areas.
    - 4. Manure which has been removed from stalls and paddocks shall be maintained at least seventy-five (75) feet from the nearest animal stall. Manure shall be situated so as to assure that there shall be no run-off into canals or retention ponds.

#### b. Pasturing.

- 1. Every owner or manager of any commercial stable shall make daily observation of all animals housed or boarded on the property.
- 2. Adequate water containers shall be available in all pasture areas sufficient to supplement all equine during dry periods when retention ponds lack sufficient clean water. Stagnant water with floating algae is unacceptable for drinking.
- 3. Separate feed buckets for each equine shall be used when feeding. When a feed trough or bunker is used, there shall be two (2) lineal feet per head or a two (2) foot feed box for each animal.
- 4. Every commercial stable shall have sufficient drainage in order to provide sufficient dry land for all animals pastured and to prevent accumulation of persistent standing water over the entire pasture.
- 5. As necessary, all pasture areas shall be dragged to spread and remove manure. Pasture rotation is recommended if sufficient pasture area is available.

#### c. Exercise area.

- 1. A designated safe exercise area, which is a minimum of two thousand five hundred (2,500) square feet, shall be provided for all equine.
- 2. This exercise area shall be appropriately fenced.
- 3. Equine shall be provided appropriate exercise as recognized by accepted animal husbandry practices.

#### d. Paddock area.

- 1. Paddock areas are not required.
- 2. If an optional paddock area is provided, the area provided shall be a minimum of one hundred (100) square feet up to a maximum of two thousand five hundred (2,500) square feet.
- (3) Food and water supplies--Commercial stables.
  - a. Opened food bags shall be stored in rodent, pest and moisture resistant containers with lids and properly labeled as to content.
  - b. Unopened food bags shall be stored off the ground and kept clean and dry.
  - c. Stored hay shall be kept clean and dry.
  - d. Fresh water, free of algae, shall be available to all animals at all times.
  - e. Hay provided to equine must be distributed to prevent contamination from manure, urine and stagnant water.
- (4) Animal housing requirements--Commercial stables.
  - a. Any animal having a known or contagious disease or suspected of having a contagious disease, shall be contained in an area away from other animals. This area shall be clearly and visibly posted with signage stating: "CONTAINS QUARANTINED ANIMALS."
  - b. The owner or manager of any commercial stable that has an animal with a known or suspected contagious or infectious disease must seek immediate veterinary care for that animal and follow veterinary instructions.
  - c. Stalls which are used to house animals shall be large enough to allow the animal to tand in an erect position, turn without touching the sides or move about without restriction.
  - d. All animals must be securely confined and not permitted to run at large.
  - e. All fences must be secure and safe to prevent injury (i.e., no broken rails, exposed nails, etc.; barbed (where permitted) or any other kind of wire must be taut and sufficiently marked to be visible to livestock).
- (5) Cleaning procedures--Commercial stables.
  - a. Stalls shall be cleaned daily. Paddocks shall be cleaned as often as necessary. Manure, urine soaked hay, shavings, straw or bedding must be removed daily and replaced with clean dry hay, shavings, straw or bedding.
  - b. All stalls and paddock areas shall be free of safety hazards (i.e., nails, wire, rocks, wood, other debris or loose fencing upon which animals may become injured).
  - c. All water containers, buckets, troughs and the like, shall be maintained in such a manner as to be kept free of floating algae.
  - d. All owners or managers of any commercial stable shall check for and remove any poisonous plants growing in or near where horses are being housed or boarded.
  - e. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in accordance with manufacturers' instructions, properly labeled as to content and away from contact with animals.

(Ord. No. 98-22, § 23, 6-16-98; Ord. No. 05-044, § 2, 9-27-05; Ord. No. 2011-005, § 4, 3-15-11)

#### Sec. 4-24. Animal care; manner of keeping.

(a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

- (1) Clean, sanitary, safe and humane conditions;
- (2) Sufficient quantities of appropriate food daily;
- (3) Proper air ventilation and circulation;
- (4) Adequate quantities of visibly clean and fresh water available at all times; and
- (5) Medical attention and/or necessary veterinary care when an animal is sick, diseased or injured. Upon request by the division, written proof of veterinary care must be provided.
- (b) It shall be unlawful for any person keeping an animal to fail to provide shelter for that animal.
  - (1) Shelter for dogs, cats and small domestic animals must:
    - a. Provide adequate protection from the cold and heat. When the outdoor temperature falls below forty (40) degrees Fahrenheit, all cats, small domestic animals and those dogs that cannot tolerate such temperatures without stress or discomfort (i.e., short-haired breeds, sick, aged, young or infirm), must be moved indoors or provided adequate heating to maintain temperature above forty (40) degrees Fahrenheit range. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit all dogs, cats, and small domestic animals must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eight-five (85) degrees Fahrenheit;
    - b. Provide protection from the direct rays of the sun and the direct effect of wind and rain;
    - c. Provide a wind break and rain break;
    - d. Contain clean, dry, bedding material;
    - e. Provide protection from the elements at all times;
    - f. Provide sufficient space for each animal to comfortably stand up, sit down, lie down, and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously; and
    - g. Provide a solid roof.
  - (2) Shelter for equine, bovine, ovine and porcine normally maintained in outdoor areas must:
    - a. Provide protection from the direct rays of the sun and the direct effect of wind and rain:
    - b. Provide a wind break and rain break;
    - c. Provide a solid roof:
    - d. Provide protection from the elements at all times; and
    - e. Provide space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously.
- (c) It shall be unlawful for any person maintaining equine or ovine to fail to keep hooves trimmed so as to prevent lameness and extreme overgrowth causing deformities.
- (d) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is with the animal and the animal is at all times visible to such person. Choke or prong type collars shall not be used on an animal while such animal is tethered. As used in this chapter, tether means to restrain an animal by tying the animal

to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead to walk an animal. Notwithstanding the foregoing, an animal may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar exposition or event, of a limited duration, that involves the judging or evaluation of animals.

- (e) Any dog maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of eighty (80) square feet of open space. An additional forty (40) square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be maintained outdoors during periods of extreme weather including but not limited to hurricanes, tropical storms, and tornados.
- (f) Animals must be given appropriate daily exercise.
- (g) No humane slaughter of animals as defined in Florida Statutes, §§ 828.22 and/or 828.23 shall be done within earshot or view of the public.
- (h) It shall be unlawful for any person to tease or molest any animal.
- (i) It shall be unlawful for any person to:
  - (1) Leave an animal in any unattended motor vehicle;
  - (2) Transport an animal in any motor vehicle without adequate ventilation or in unsanitary conditions; or
  - (3) Subject or cause an animal to be subjected to extreme temperatures that adversely affect the animal's health or safety.
- (j) It shall be unlawful to transport any animal on a public road in any vehicle unless the animal is safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle. When animals are transported in a pickup truck with a metal bed, the animals shall be provided protection from the metal bed.
- (k) Animals shall not be allowed on any median or in any roadway, highway or street intersection for any purpose other than crossing same.
  - (l) Any person trapping an animal must:
  - (1) Use a humane trap;
  - (2) Provide protection from the direct rays of the sun and direct effect of wind, rain and irrigation/sprinkler system;
  - (3) Provide fresh water in the trap;
  - (4) Remove the trapped animal within twenty-four (24) hours of capture. All trapped dogs and cats must be returned to their rightful owner, or to a governmentally operated animal shelter or humane society in the county; and
  - (5) Make every attempt to locate the offspring of any lactating/nursing mother. No trapped animal shall be killed in any manner other than a method approved in the American Veterinary Medical Association Guidelines on Euthanasia, as may be amended from time to time.
- (m) To the extent not inconsistent with this chapter the following portions of the Florida Statutes, in their current form and as subsequently amended, are hereby adopted and incorporated by reference except as to penalty, shall be part of this section as if they were set out in full and shall be punishable as civil infractions:
  - (1) Section 828,058, Florida Statutes;

- (2) Section 828.065, Florida Statutes;
- (3) Section 828.08, Florida Statutes;
- (4) Section 828.12, Florida Statutes;
- (5) Section 828,121, Florida Statutes;
- (6) Section 828.122, Florida Statutes;
- (7) Section 828.123, Florida Statutes;
- (8) Section 828.1231, Florida Statutes;
- (9) Section 828.125, Florida Statutes;
- (10) Section 828.13, Florida Statutes;
- (11) Section 828.14, Florida Statutes;
- (12) Section 828.16, Florida Statutes;
- (13) Section 828.161, Florida Statutes;
- (14) Section 828.22, Florida Statutes;
- (15) Section 828.23, Florida Statutes;
- (16) Section 828.24, Florida Statutes; and
- (17) Section 828.252, Florida Statutes.
- (n) No person, for the purpose of that person's sexual gratification, may:
  - (1) Engage in a sexual act with an animal;
  - (2) Coerce any other person to engage in a sexual act with an animal;
  - (3) Use any part of the person's body or an object to sexually stimulate an animal;
  - (4) Videotape a person engaging in a sexual act with an animal; or
  - (5) Kill or physically abuse an animal.

(Ord. No. 98-22, § 24, 6-16-98; Ord. No. 03-029, § 1, 8-19-03; Ord. No. 2011-005, § 5, 3-15-11) **Editor's note:** Section 17 of Ord. No. 2011-005 specifies that § 4-24(d) and (e) shall become effective on July 1, 2011.

#### Sec. 4-25. Dogs and cats offered for sale; health requirements.

- (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without first obtaining an official certificate of veterinary inspection pursuant to Florida Statutes, § 828.29. Dogs, cats, puppies or kittens offered for sale must be at least eight (8) weeks old, free of internal and external parasites, and have proper inoculations as described below.
- (b) The official certificate of veterinary inspection shall document that the following inoculations, tests and treatments have been administered:
  - (1) Dogs/puppies.
    - a. Inoculated against: canine distemper, leptospirosis, parainfluenza, hepatitis, canine parvo virus, and bordatella. A rabies inoculation must be provided for any dog three (3) months of age or older.
    - b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection must occur for dogs six (6) months of age or older. Appropriate treatment for all positive findings must be documented.
  - (2) Cats/kittens.
    - a. Inoculated against: panleukopenia, feline viral rhino tracheitis, calici virus and rabies (provided the cat is over three (3) months of age).

























Exhibit C:

PBC Traffic
E-mail

From: To:

y D g

Masoud Atefi Debbie Abraham

Subject: Date: RE: Traffic Impacts of Kennel Friday, April 26, 2013 4:15:17 PM

No – I would not consider it a big traffic generator – especially during the peak hours of traffic. Good Luck

#### Masoud Atefi

**From:** Debbie Abraham [mailto:dabraham@lakeparkflorida.gov]

Sent: Friday, April 26, 2013 11:46 AM

To: Masoud Atefi

Subject: Traffic Impacts of Kennel

Hi Masoud,

We are processing a Special Exception Application for the use of a "kennel" at 524 Northlake Blvd. The Site is currently being used as a pet grooming and training facility and the Applicant, Barkley's Canine Club, is interested in adding overnight animal boarding ("kennel") services to its existing functions. While the Site is a multi-tenant plaza, the Applicant uses 3000 sf of the 5584 building square footage.

Can you please tell me if this use will incur a lot of additional traffic and if you foresee any negative impacts arising? I appreciate your help.

Thanks,

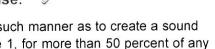
Debbie Abraham, *Town Planner* Town of Lake Park Ph: 561-881-3320

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

#### Exhibit D: Town of Lake Park Noise Ordinance

### Sec. 10-155. - Maximum permissible sound levels by receiving land use.

4 D A

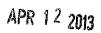


No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

TABLE 1 Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m7:00 p.m.	<u>55</u>
	7:00 p.m6:00 a.m.	50
Residential	7:00 a.m10:00 p.m.	<u>55</u>
	10:00 p.m7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m10:00 p.m.	<u>55</u>
	10:00 p.m7:00 a.m.	50
Commercial	At all times	<u>60</u>
Commercial/Light Industrial	At all times	<u>65</u>
Public Buildings/Grounds and Other Public Facilities	7:00 a.m10:00 p.m.	<u>60</u>
Recreation and Open Space	10:00 p.m.—7:00 a.m.	<u>55</u>

(Code 1978 § 15-5 Ord No 18-1990 § 1 10-3-1990 Ord No 07-2012 § 2 5-2-2012)





# THE TOWN OF LAKE PARK Community Development Department

# APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: Barkley's Canine Club			
Address: 524 Northlake Bud			
Telephone: 561-904-6999 Fax: 561-904-6998			
E-mail address: Cindyhackle & Yahoo. Com			
Owner Agent (Attach Agent Authorization Form)			
Owner's Name (if not applicant): Cinby Hackle + CarisA De 1+2	<u>}</u>		
Address:			
Telephone: Fax:			
E-Mail address:			
Property Location:			
Legal Description: Lake Park Add No 3 LT 7 + LT 8			
regar Description. Table 1800k 1100k 100 5 L 1 1 + L 1 8			
· · ·			
Less E 76.25 Ft) BLK 139			
Property Control Number: 36434221031390070			
Property Control Number: 36434221031390070  Future Land Use: Commercial Zoning: C1-NB02			
Property Control Number: 36434221031390070			
Property Control Number: 36434221031390070  Future Land Use: Commercial Zoning: C1-NB02  Acreage: 0,6350 Square Footage of Use: 3000  Proposed Use: DOG Slumber Party Boarding  Adjacent Property  No Cages- No Kennels upscale Reso			
Property Control Number: 36434221031390070  Future Land Use: Commercial zoning: C1-NB02  Acreage: O.6350 Square Footage of Use: 3000  Proposed Use: Dob Shumber Party Boarding No coages- No Kennels rescale Reso  Adjacent Property  to add to Current Business:			
Property Control Number: 36434221031390070  Future Land Use: Commercial Zoning: C1-NB02  Acreage: 0,6350 Square Footage of Use: 3000  Proposed Use: DOG Slumber Party Boarding  Adjacent Property  No Cages- No Kennels upscale Reso			
Property Control Number: 36434221031390070  Future Land Use: Commercial zoning: C1-NB02  Acreage: 0.6350 Square Footage of Use: 3000  Proposed Use: DOG Slumber Party Boarding No Coags- No Kennels upscale Resordiacent Property to add to Current Business.  Direction Zoning Business Name Use  North			
Property Control Number: 36434221031390070  Future Land Use: Commercial zoning: C1-NB02  Acreage: O.6350 Square Footage of Use: 3000  Proposed Use: Dog Slumber Party Boarding No Coages- No Kennels rescale Resordiacent Property  to add to Current Business:  Direction Zoning Business Name Use  North			



### APPLICATION REQUIREMENTS:

<ol> <li>Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.</li> </ol>
The exception is consistent up
the goals of hate Park. We serve the
residents in our dury onding area-
and they support us
<ol><li>Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.</li></ol>
The cexisting Structure is compliant
sof the land development of the CI
district our joxisting use is
permited in the CI district
3. Please explain how the proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.
The special use exception is compatible with
visting business which is a dog day care,
, Salon, + do it yourself dogwash. The boarding
ments ou existing brainess and is a very
A Please explain how the eatablishment of the proposed Special Broading to the interest of the intere
4. Please explain how the establishment of the proposed Special Exception use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception use is proposed to be developed.
The exception will not be detrimental
to the development of the area
1 1

- 5. Please explain how the Special Exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.
- 6. Please explain how the proposed Special Exception use meets the following requirements;
  (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The critaide play area is fenced + has artificial K-9 Jury- which is uncepted + antificial - at is sprayed woorderban and hosed bueras times a day + has No offensive odor- There is no noise MisAnce. and Porturia does mut pase a problem.

7. Please provide the following:

- a. Special Exception fee plus escrow of \$800.00.
- b. Advertising costs: The petitioner shall pay all costs of publication of public hearing required in a newspaper of general circulation within the Town. This cost will be deducted from the scrow.
  - c. Courtesy Notice Property Owners List. A complete list of property owners and mailing addresses of all property owners within 300 feet of the subject parcel as recorded in the latest official tax role in the County Court House. Certified Mail will be sent to all owners within 300 feet; postage will be deducted from escrow.
  - d. The applicant must place a 3'x 3' sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR A CONDITIONAL USE TOWN OF LAKE PARK". The applicant shall remove sign from subject property within ten (10) days of final action.
  - e. Location Map

**Collaboration** 

APR 12 2013

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f Provide a site plan drawn to scale indicating the size of the buildings, the intended floor area ratios, the quantity of parking spaces proposed to be provided, the intended access road(s), the general type of construction in accordance with the Florida Building Code and the codes of the Town of Lake Park, and the availability and approximate location of utilities.

g. Provide a certified boundary survey by a surveyor registered in the State of Florida containing an accurate legal description of the property and a computation of the total acreage of the parcel.

#### **DOCUMENTS:**

- 1. A statement of the applicant's interest in the property.
- A warranty deed with an affidavit from the applicant that the deed represents the current ownership.

#### REPORTS:

A traffic impact analysis, if required by the Town Engineer or staff, on the project generated Traffic impact on the external street serving the site.

For the final review, 13 complete sets of all final required documents, after approval of all other governing agencies, must be submitted.



# The Town of Lake Park

Community Development Department

Committee of the control of the cont

## PLEASE DO NOT DETACH FROM APPLICATION.

APR 12 2013

SIGNATURE REQUIRED BELOW.

Beaglows ...

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

Patrick Sullivan, AICP

Director, Community Development Department

I have read and understand the regulations above regarding cost recovery.

Signature of Property Owner

Date